BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2003-343-C - ORDER NO. 2004-487

OCTOBER 12, 2004

IN RE:	Rule to Show Cause against Delta Phones,)	ORDER GRANTING
	Inc. and E Z Talk Communications, LLC.)	MOTION TO DISMISS
)	
)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of the Commission Staff to Dismiss without Prejudice. In support of its Motion, the Staff alleges the following facts:

On November 20, 2003, the Staff filed a Petition for a Rule to Show Cause against Delta Phones and EZ Talk with the Commission. On December 23, 2003, counsel for EZ Talk and Delta Phones filed a response to Staff's Rule to Show Cause. Thereafter, in March 2004, Staff learned that Delta Phones and E Z Talk had filed Chapter Eleven Bankruptcy (business reorganization) in the United States Bankruptcy Court for the Northern District of Illinois Eastern Division.

In April 2004, the Staff learned that E Z Talk's and Delta Phones' Chapter Eleven Bankruptcy case had been converted to a Chapter Seven Bankruptcy (total liquidation). Moreover, Staff is aware of a pending matter before the Tennessee Regulatory Authority (TRA) involving the revocation of E Z Talk's Certificate of Public Convenience and Necessity. Facts that have been alleged recently in the proceeding before the TRA were unknown to Staff when it filed its Petition for Rule to Show Cause before the

Commission. For example, E Z Talk has alleged in its appeal of the TRA's revocation of

E Z Talk's Certificate that Delta Phones purchased telecommunications services from E

Z Talk in order to prevent disconnection of telecommunication services of Delta Phones'

customers. The investigation of these alleged facts, the disposition of the TRA's case, and

the outcome of Delta Phones' and E Z Talk's Bankruptcy case will ultimately determine

when and whether the Staff will proceed with its Rule to Show Cause in the future.

Counsel for Delta Phones and E Z Talk does not object to the Staff's Motion to Dismiss

without Prejudice.

We have examined this matter and the facts herein, and we agree that Staff states

good grounds for its Motion. We therefore dismiss the Rule to Show Cause without

prejudice. This Order shall remain in full force and effect until further Order of the

Commission.

BY ORDER OF THE COMMISSION:

/s/	
Randy Mitchell, Chairman	

ATTEST:

/s/

G. O'Neal Hamilton, Vice Chairman

(SEAL)